IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 21746 of 2007(L)

PETITIONERS:

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1. DHANUSH P.,
   PERINGALIL HOUSE, P.O. AYYAPPANKAVU,
   MULAYAM, THRISSUR DISTRICT.

2. VINEESH P.M.,
   PUNNACKAL HOUSE, VADATTUPARA P.O., ERNAKULAM.

3. SURESH BABU B.,
   NEDIYAVILA VADAKKETHIL, POOVATTOOR EAST,
   KALAYAPURAM P.O., KOTTARAKKARA, KOLLAM.

4. SREEKANTH. L.,
   EDAVANA THEKKATHIL, ERAVICHIRA NADUVIL,
   SOORANAD, PATHARAM P.O., KOLLAM DISTRICT.

5. SUNIL K.M.,
   MURADAVIL HOUSE, TAVANUR P.O., MALAPPURAM DISTRICT

6. JAYACHANDRAN D.S.,
   JAYA VIHAR, PUTHIYA VILA P.O.,ALAPPUZHA DISTRICT.

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI

RESPONDENTS:

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1. STATE OF KERALA,
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   DEPARTMENT OF AGRICULTURE, GOVERNMENT OF KERALA,
   THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT,
   DEPARTMENT OF GENERAL ADMINISTRATION (EMPLOYMENT
   CELL-A), GOVT. OF KERALA, THIRUVANANTHAPURAM.

3. THE KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM.

4. THE DIRECTOR OF AGRICULTURE,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) No. 21746 of 2007-L

Dated this the 16th day of July, 2007.

J U D G M E N T

The petitioners are candidates included in the rank list published by the Public Service Commission for appointment to the post of Agricultural Assistant Grade-II. The applications were invited on 15-11-2003. The petitioners submit, the rank list was published on 16-9-2006. They were awaiting appointment. While so, the Government have issued Ext.P2 order providing inter alia, for reservation of 238 posts of Agricultural Assistant in the Department of Agriculture, for special recruitment. Out of those posts, 172 posts are for Scheduled Caste/Scheduled Tribes and 66 posts are for Scheduled Tribes only. The petitioners point out that when there is a PSC list, there is no justification for making such a special reservation for the Scheduled Caste/Scheduled Tribes. The same will affect their chances of appointment.

2. The Special recruitment is made under Rule 17A of the KS & SSR. The said Rule reads as follows:

17A. Special recruitment from among the Scheduled Castes and Scheduled Tribes:- Notwithstanding anything contained in these rules or in the Special Rules, the State Government may reserve a specified number of posts in any service, class, category or grade to be filled by direct recruitment exclusively from among the members of Scheduled Castes and Scheduled Tribes.

In exercise of the powers, the Government from time to time revised the representations of Scheduled Castes/Scheduled Tribes in various departments and order for direct recruitment of members of Scheduled Castes/Scheduled Tribes, to ensure their adequate representation in those departments. As part of the said exercise, the Government have issued Ext.P2 order concerning the Department of Agriculture. The petitioners who are included in the rank list published by the PSC has no locus standi to challenge Ext.P2. The posts exclusively meant for Scheduled Castes/Scheduled Tribes, to ensure their minimum representation in service, cannot be claimed by general candidates.

Accordingly, the Writ Petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS